



# INDUSTRY CIRCULAR

DEPARTMENT OF  
THE TREASURY

Bureau of Alcohol, Tobacco and Firearms  
Washington, D. C. 20226

Number: 90-2

Date: 12/27/90

## FORMULAS FOR THE PRODUCTION OF NONBEVERAGE WINE

Bonded Wine Premises Proprietors and Others Concerned:

Purpose. The purpose of this circular is twofold. First, to alert those proprietors who have identified in error on existing formulas their nonbeverage wine as cooking wine that these formulas are going to be returned. The proper designation should be "Wine unfit for beverage use" or "Nonbeverage wine." And second, to inform proprietors submitting nonbeverage wine formulas in the future that both ATF and the Food and Drug Administration (FDA) have responsibility over the production of these wine products.

Background. Recently we reviewed approved formulas for the production of nonbeverage wine submitted by proprietors of bonded wine premises. Most of these formulas identified the name under which the product was to be marketed (Item 4 on ATF F 5120.29) as cooking wine. Since the wine is being produced as a wine product unfit for beverage use under the Internal Revenue Code (IRC), Section 5362(d), and implementing regulations, 27 CFR 24.215, the name of the product in Item 4 of ATF F 5120.29 should be "Wine unfit for beverage use" or "Nonbeverage wine." "Cooking wine" is not recognized as a type of wine under the IRC or implementing regulations.

Discussion. We will be returning to bonded wine premises proprietors a copy of any approved nonbeverage wine formula on file with ATF which does not identify the product in Item 4 of ATF F 5120.29 as "Wine unfit for beverage use" or "Nonbeverage wine." We will retain the original of the approved formula in our files for 45 calendar days from the date the copy is returned to allow sufficient time for the proprietor's review and submission

as a nonbeverage wine formula. If no action is taken by the proprietor on the returned formula within 45 days, the formula in our files will be cancelled and a notice of such cancellation action will be sent to the proprietor.

Proprietors should inform customers purchasing nonbeverage wine or wine products in bulk of FDA labeling requirements if such wine is to be used in a food product. In addition, the marking or labeling requirements of 27 CFR 24.218(b) are required if a proprietor uses other than standard wine to produce a nonbeverage wine or wine product.

Inquiries. Inquiries concerning this circular should refer to its number and be addressed to: Associate Director (Compliance Operations), Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226.

Inquiries regarding FDA labeling of food products should be addressed to: Division of Regulatory Guidance, Center for Food Safety and Applied Nutrition, Food and Drug Administration, 200 C Street, SW, Washington, DC 20204.

  
Director

Department of the Treasury  
Bureau of Alcohol, Tobacco and Firearms  
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